Crl. Misc. Appl. No. 268 of 2001
(Old No. 3977 of 1997)
Hon'ble Irshad Hussain, J.

Sri S.S.Adhikari learned counsel for the petitioner informs that he has no instructions. Heard learned A.G.A. and perused the record.

The petition under section 482 of the Code of Criminal Procedure was filed against the order dated 4.6.1997, whereby the learned Judicial Magistrate, Khatima rejected the application of the petitioner for breaking open the seal of the Arm Dealer shop. The application was rejected on the ground that the Judicial Magistrate has had no jurisdiction to pass the favourable order in view of the fact that the arm shop of which the petitioner was the licencee was sealed under administrative orders of the District Magistrate and also under the powers exercised by the licencing authority. Considering this, there was no impropriety in the impugned order and the petitioner has had remedy to seek proper order by preferring an application before the licencing authority. Moreover, when petition was filed it was not admitted and no interim order was passed in favour of the petitioner. The impugned order was passed on 4.6.1997 and by lapse of time the petition had been rendered infructuous and is dismissed in limine. Consign.

(**Irshad Hussain, J.)**

Dated 13.04.2004
Rawat